IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 78270-M of 2006

DATE OF DECISION : 08.02.2007

Himmat Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Ritesh Pandey, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

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This is second petition filed by Himmat Singh under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 108 dated 5.4.2003 under Sections 399, 402 IPC and Section 25/54/59 of the Arms Act, registered at Police Station Kotwali Barnala, District Sangrur. The earlier petition was dismissed as withdrawn on November 07, 2006 with liberty to the petitioner to approach again after examination of some of the prosecution witnesses.

I have heard counsel for the parties.

Counsel for the petitioner contends that earlier, the petitioner was released on bail and subsequently, on 26.7.2006, he did not appear and his non-bailable warrant was issued. Thereafter, the petitioner was arrested on 2.8.2006 and since then, he is in custody. Counsel contends that the earlier petition for bail was dismissed as withdrawn as co-accused of the petitioner, namely Jagga Singh, had jumped the bail and was absconding. Now said Jagga Singh has surrendered on 20.11.2006 and two prosecution witnesses have been examined. Counsel for the respondent-State, on instructions from Nirmal Singh HC, does not dispute these facts.

Keeping in view the aforesaid facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is, accordingly, ordered to be released on bail subject to his furnishing fresh bail bonds, with heavy surety and with an undertaking that in future, he will not jump the bail, to the satisfaction of the trial court.

February 08, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**